

EXHIBIT A

NOTICE OF PENDENCY OF FLSA LAWSUIT

From: Joseph & Herzfeld, LLP, Attorneys at Law

To: All current and former hourly servers at TSE Group LLC, d/b/a B.B. King Blues Club and Grill, and/or Tsion Bensusan, who were employed by within the last three years.

Re: Collective action lawsuit against B.B. King Blues Club and Grill under the federal Fair Labor Standards Act.

The purpose of this Notice is to advise you of a lawsuit under the federal Fair Labor Standards Act that has been filed against B.B. King Blues Club and Grill and to advise you of the legal rights you have in connection with that suit.

1. DESCRIPTION OF THE LAWSUIT.

Brandon Salus, on behalf of himself and all others similarly situated, filed this lawsuit the against B.B. King Blues Club and Grill ("B.B. King") on April 19, 2007 in the United States District Court, Southern District of New York, Index No. 07cv03142-GBD-DCF. The law firm of Joseph & Herzfeld, LLP represents the plaintiffs in this lawsuit.

The claims in this lawsuit made under the federal Fair Labor Standards Act allege primarily that B.B. King: (1) did not pay employees for all time worked; (2) required employees to pay for "walk-outs" out of their tips and/or wages; (3) failed to pay employees' overtime wages; and (4) illegally retained portions of employees' tips.

2. YOU ARE ENTITLED TO JOIN THIS SUIT EVEN IF YOU SIGNED A PURPORTED RELEASE

You may have been approached by a member of B.B. King management asking you to sign a document purportedly releasing B.B. King from all claims, including claims under the Fair Labor Standards Act ("FLSA"), in exchange for payment representing the \$5 that B.B. King deducted from your weekly checks. However, a release of claims under the FLSA is not valid under these circumstances. Accordingly, you are entitled to join this lawsuit and reclaim money owed you under the FLSA even if you signed the purported release.

3. YOUR RIGHT TO MAKE A CLAIM IN THIS LAWSUIT.

If at any time in the last three years you worked as a server with B.B. King, and you believe that you were subject to any of the illegal practices described above, you have the right to assert claims under the Fair Labor Standards Act ("FLSA") in this lawsuit.

To assert the FLSA claim you must sign a written Consent to be a “party-plaintiff” in the lawsuit. This form will be filed in the Court. It is entirely your own voluntary decision whether or not to sign and file the consent.

4. B.B. KING MAY NOT RETALIATE AGAINST YOU

Please be advised that, if you do file the consent and thus make an FLSA claim, it is against the law for B.B. King to retaliate against you for doing so.

5. HOW TO MAKE A CLAIM IN THIS LAWSUIT.

Attached to this Notice is a form entitled “Consent to Make a Claim in Lawsuit under Federal Fair Labor Standards Act (FLSA).” In order to make an FLSA claim in the lawsuit, fill out the form, sign it, and fax, mail or overnight it to:

D. Maimon Kirschenbaum
Joseph & Herzfeld, LLP
Attorneys at Law
757 Third Avenue, Suite 2500
New York, NY 10017
Phone: (212) 688-5640
Fax: (212) 688-2548
Email: maimon@jhlhp.com

If you sign and mail the form, it will be filed with the court and you will become a “party plaintiff.” Thus you will become a client of the above attorneys, who represent the plaintiffs in the lawsuit. Also enclosed is a form entitled “Client Information.” It is to enable these attorneys to contact you. To furnish this information to the attorneys, fill out the form and mail it to the attorneys at the above address.

For your convenience, a self-addressed, postage paid envelope is enclosed. If you have any questions with respect to this suit, you may call Maimon Kirschenbaum at Joseph & Herzfeld, LLP, phone number (212) 688-5640.

6. THE LEGAL EFFECT OF FILING OR NOT FILING THE CONSENT FORM.

If you do not file a consent form, you will not receive any money or other relief for FLSA claims in the lawsuit. If you do file a consent form, you will be bound by the judgment of the court on all FLSA issues in the case, win or lose.

7. ALTHOUGH THE COURT HAS APPROVED THE SENDING OF THIS NOTICE, THE COURT EXPRESSES NO OPINION ON THE MERITS OF THIS LAWSUIT.

PLEASE DO NOT CALL OR WRITE THE COURT ABOUT THIS NOTICE.

Dated: _____

D. Maimon Kirschenbaum (DK-2338)
Joseph & Herzfeld LLP
757 Third Avenue
25th Floor
New York, NY 10017
Tel: (212) 688-5640
Fax: (212) 688-2548

Client Information

Name: _____

Telephone Number(s): _____

Address: _____
